

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 16-61511-CIV-ZLOCH

CAROL WILDING, et al.,

Plaintiffs,

vs.

O R D E R

DNC SERVICES CORPORATION, d/b/a
DEMOCRATIC NATIONAL COMMITTEE,
and DEBORAH "DEBBIE" WASSERMAN
SCHULTZ,

Defendants.

THIS MATTER is before the Court upon Plaintiffs' Motion In Limine To Exclude The Declarations Of Rebecca Herries, Lindsey Reynolds, And Robert F. Bauer, And Other Inadmissible Hearsay (DE 31).

In its prior Order Setting Evidentiary Hearing (DE 25), the Court stated that "the burden now is on the Plaintiffs to show that service of process was proper in accord with Federal Rule of Civil Procedure 4." The Court was clarifying for the Parties that it acknowledged that Defendants have already met their initial burden of producing an affidavit to rebut the validity of service of process. See Hives v. Bisk Education, Case No. 8:15-CV-262-T-23MAP, 2015 WL 3791423, at *2 (M.D.Fla. May 7, 2015) ("Where a party submits affidavits to rebut the validity of service of process, the burden shifts back to the plaintiff to produce evidence supporting jurisdiction by showing service was properly made.") (citing Meier ex rel. Meir v. Sun Int'l Hotels, Ltd., 288

F.3d 1269 (11th Cir. 2002)). Thus, the Court has already reviewed the affidavit of Rebecca Herries.

At the evidentiary hearing, however, the Court will not accept further affidavits, but instead, expects to hear, again, as stated in its prior Order (DE 25), "testimony and/or physical or documentary evidence." For the purposes of the evidentiary hearing, any further affidavits would be inadmissible hearsay under Fed. R. Evid. 802.

Accordingly, after due consideration, it is

ORDERED AND ADJUDGED that Plaintiffs' Motion In Limine To Exclude The Declarations Of Rebecca Herries, Lindsey Reynolds, And Robert F. Bauer, And Other Inadmissible Hearsay (DE 31) be and the same is hereby **GRANTED**.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 19th day of August, 2016.


WILLIAM J. ZLOCH
United States District Judge

Copies furnished:

All Counsel and Parties of Record